

JOURNAL OF THE HOUSE.

Wednesday, March 26, 2014.

Met at seven minutes after eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Parisella of Beverly.

A statement of Mrs. Haddad of Somerset concerning Mr. Parisella of Beverly was spread upon the records of the House, as follows:

Statement
concerning
Mr. Parisella
of Beverly.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Parisella of Beverly, is unable to be present in the House Chamber for today's sitting due to his being on scheduled military duty from March 17 through March 28. His missing of roll calls today is due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Philip Glynn
Cambra.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Philip Glynn Cambra on receiving the Eagle Award of the Boy Scouts of America;

Peter K.
Scott.

Resolutions (filed by Ms. Hogan of Stow) congratulating Peter K. Scott on achieving the rank of Eagle Scout with the Boy Scouts of America; and

Linda
Brabant.

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Linda Brabant on her retirement from the town of Tewksbury Council on Aging;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Peisch of Wellesley, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Annual Report.

Administrative
Law Appeals,—
annual report.

The annual report of the Division of Administrative Law Appeals (pursuant to Section 4H of Chapter 7 of the General Laws) for calendar year 2013, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

Children,—
protection.

By Mrs. Harrington of Groton, a petition (subject to Joint Rule 12) of Sheila C. Harrington and others relative to the care and protection of children.

By Representative Jones of North Reading and Senator Tarr, a joint petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Bruce E. Tarr and others relative to the unemployment insurance rate. Unemployment insurance,— rates.

By Mr. Vega of Holyoke, a petition (subject to Joint Rule 12) of Aaron Vega for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Holyoke. Holyoke,— land.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2067) of John F. Keenan and Mark J. Cusack for legislation to establish a sick leave bank for Michael J. Donoghue, an employee of the Norfolk County Sheriff's Office; and Michael J. Donoghue,— sick leave.

Petition (accompanied by bill, Senate, No. 2068) of Bruce E. Tarr and Leonard Mirra for legislation to establish a sick leave bank for Laurel MacKay, an employee of the Department of Environmental Protection; Laurel MacKay,— sick leave.

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2069) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation relative to authorizing the transfer of certain parcels of land in the town of Hubbardston. To the committee on State Administration and Regulatory Oversight. Hubbardston,— land.

Petition (accompanied by bill, Senate, No. 2070) of Michael O. Moore and Paul K. Frost for legislation to designate a certain bridge in the town of Millbury as the Joseph R. Bianculli Bridge. To the committee on Transportation. Millbury,— Bianculli Bridge.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Garrett J. Bradley and Jennifer L. Flanagan for legislation to create a better life experience for individuals with disabilities program. To the committee on Children, Families and Persons with Disabilities. Disabled,— life experience.

Petition (accompanied by bill) of Paul W. Mark relative to exempting municipalities from the annual compliance assurance fee. To the committee on Environment, Natural Resources and Agriculture. Municipalities,— assurance fees.

Petition (accompanied by bill) of Paul W. Mark relative to the protection of employees and former employees against retaliatory actions by employers. To the committee on Labor and Workforce Development. Employees,— protection.

Petition (accompanied by bill) of David Paul Linsky and Richard J. Ross relative to the collection of municipal taxes. To the committee on Revenue. Municipal tax collections.

Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Achievement
gap.

By Ms. Piesch of Wellesley, for the committee on the Education, ought NOT to pass, on a petition (accompanied by bill, House, No. 425) of Russell E. Holmes and others for legislation to improve public schools and narrow the achievement gap, was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Piesch of Wellesley, the report was considered forthwith.

The same member then moved that the report be amended by substitution of a Bill to further narrow the achievement gap (House, No. 3984), which was read.

The amendment was adopted; and the substituted bill, was referred, under Rule 33, to the committee on Ways and Means.

Workforce
reform.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill establishing the domestic workers' bill of rights (House, No. 3884), ought to pass with an amendment by substituting therefor a bill a Bill relative to workplace reform (House, No. 3983) [Representative Vieira of Falmouth dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of said rule, on motion of Mr. Garballey of Arlington, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Recess.

Recess.

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twenty-seven minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bill — Land Taking.

Medfield,—
land.

The engrossed Bill directing the Division of Capital Asset Management and maintenance to convey certain parcels of land in the town of Medfield to the town of Medfield (see Senate, No. 1889) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 303.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 146 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 303 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Relative to the filing deadline for residential exemptions, personal exemptions and tax deferrals in the city of Boston (House, No. 2603) (its title having been changed by the committee on Bills in the Third Reading); and

Third reading bills.

Establishing a sick leave bank for Anne Federico, an employee of the Department of Public Health (House No. 3958);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill authorizing the city of Northampton to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 1962, amended); and

Second reading bills.

House bills

To provide incentives for productive workers compensation audits (House, No. 1771);

Relative to lottery compliance investigations (House, No. 2781);

To establish Uncle Sam day (House, No. 2813);

Setting apart the third Saturday of the month of October as Massachusetts Minutemen and Militia day (House, No. 2856);

Designating the second week of May as Williams Syndrome awareness week (House, No. 2899);

Designating inflammatory breast cancer awareness day (House, No. 2901);

Authorizing the appointment of Billy Ray Hawkins, Jr., as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3228) [Local Approval Received];

Relative to novelty sparklers (House, No. 3262);

Authorizing the appointment of Scott Bradish as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3487) [Local Approval Received];

Authorizing the appointment of Scott Marchand as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 3807) [Local Approval Received];

Relative to the appointment of special police officers, to be known as Newton police retiree detail patrol, in the city of Newton (House, No. 3864) [Local Approval Received]; and

Relative to the charter of the city of Somerville (House, No. 3919) [Local Approval Received];

Severally were read a second time; and they were ordered to a third reading.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendment of the Senate Bill relative to veterans' allowances, labor, outreach and recognition (Senate, No. 1885) (for report, see Senate, No. 2052), was considered.

Veterans' benefits.

Conference committee report accepted,—yea and nay No. 304.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 146 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 304 in Supplement.]

Therefore the report of the committee of conference was accepted, in concurrence.

Reports of Committees.

Workplace reform,—procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill relative to workplace reform (House, No. 3983) (for order, see House, No. 3986).

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in lines 4 and 5 by striking out the following: “five o’clock P.M. Friday, March 28, 2014” and inserting in place thereof the following: “one o’clock P.M. Monday, March 31, 2014”.

Amendment rejected,—yea and nay No. 305.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 31 members voted in the affirmative and 115 in the negative.

[See Yea and Nay No. 305 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Mr. Gordon of Bedford was spread upon the records as follows:

Statement of Mr. Gordon of Bedford.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Order adopted,—yea and nay No. 306.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 114 members voted in the affirmative and 30 in the negative.

[See Yea and Nay No. 306 in Supplement.]

Therefore the order was adopted.

Female inmates.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to prevent shackling and promote safe pregnancies for female inmates (Senate, No. 2063), ought to pass.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, under suspension of the rules, on motion of Ms. Khan of Newton.

Said committee report recommending that the bill be consolidated with the House Bill relative to prevent[sic] shackling and promote safe pregnancies for female inmates (House, No. 3978), likewise referred to said committee; and the report was accepted.

Pending the question on passing the bill (Senate, No. 2063) to be engrossed, in concurrence, the same member moved to amend it by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3987; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Khan; and on the roll call 146 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 307.

[See Yea and Nay No. 307 in Supplement.]

Therefore bill (Senate, No. 2063, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nine minutes before four o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.